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December 2, 2019

The Honorable Jan E. DuBois
United States District Court - Eastern District
of Pennsylvania
James A. Byrne United States Courthouse
601 Market Street, Room 12613
Philadelphia, PA 19106-1766

Re: *Eddystone Rail Company, LLC v. Bridger Logistics, LLC, et al.*; Case No. 2:17-cv-00495 - Eastern District of Pennsylvania

Dear Judge DuBois:

On behalf of Defendants Julio Rios and Jeremy Gamboa (together, the “Individual Defendants”), I write to briefly address the opposition Eddystone filed to the Individual Defendants’ motion for leave to file a reply in support of their motion to dismiss. Dkt. 351.

First, we are surprised that Eddystone opposes the Individual Defendants’ motion for leave to file a reply, given that - years earlier in this case - Judge Kelly signed an order permitting all parties to file a reply *without seeking leave of court*. See Dkt. 50 (“For purposes of this action, it is hereby ORDERED that the parties may file any reply or surreply without seeking leave of court.”). The parties have operated under this order for over two years, and Eddystone has availed itself of its right to file a reply and/or surreply throughout the case. See Dkts. 53, 54, 93, 94, 113, 152, 189, 271, 273, 281, 282, 304, 305 and 307. While the Individual Defendants understand this order to still be in effect, they filed the motion for leave in an abundance of caution and in deference to the Court.

Second, even if the order did not apply, Plaintiffs’ opposition is in substance only a surreply—addressing the merits of the Individual Defendants’ arguments—and does nothing to describe why the Individual Defendants motion for leave does not meet the Court’s “absolutely necessary” standard, which it does. See Dkt. 348 (describing reasons a reply is necessary).

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For these additional reasons, we ask that the Court grant the motion for leave and permit the Individual Defendants to file a reply in support of their motion to dismiss under Rule 12(b)(1).

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Fielding', with a long horizontal stroke extending to the right.

Jeremy A. Fielding, P.C.